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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,570	07/26/2002	Israel Morejon	1413.02	3235
21901.	<b>i</b> 590 07/02/2003			
SMITH & HOPEN PA 15950 BAY VISTA DRIVE SUITE 220			EXAMINER	
			LE, AMANDA T	
CLEARWATER, FL 33760			ART UNIT	PAPER NUMBER
			2634	15
			DATE MAILED: 07/02/2003	(0

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   Application No.   MOREJON ET AL.	· W						
Examiner	:	Application No.	Applicant(s)				
Amanda T Le	Office Action Summany		MOREJON ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Selections of terms my be available under the provisions of 3 CPE 1.13(6), In one event, however, may a raply be timely filed  the period for reply specified above is less than brildy (0) days, an roply within the statisticy minimum of thinty (0)) days will be considered timely.  If the period for reply specified above is less than brildy (0) days, an roply within the statisticy minimum of thinty (0)) days will be considered timely.  If NO period for reply specified above is less than brildy (0) days, an roply within the statisticy minimum of thinty (0)) days will be considered timely.  If the period for reply specified above is less than brildy (0) days, an roply within the statisticy minimum of thinty (0) days will be considered timely.  If the period for reply specified above is less than brildy (0) days, and the statistic provided all statistics or reply specified to reply within the statistic provided and statistic provided and statistics or reply specified to reply specified to reply specified to the communication of the provided and accordance with the practice under Ex parte Quayle, 1935 c.D. 11, 453 O.G. 213.  Disposition of Claims  4) ○ Claim(s) slare pending in the application.  4) ○ Claim(s) slare rejected.  7) □ Claim(s) is/are objected to by the Examiner.  10) ○ Claim(s) is/are objected to by the Examiner.  Application Papers  9) □ The specification is objected to by the Examiner.  If approved, corrected drawings or required in reply to this Office action.  12) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12	Office Action Summary	Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Educations of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a raply be timely filed Education of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a raply be timely filed Education of the play specified abover, the maximum statutory period will apply and vall expire 30X (b) MoNTHS from the maining date of this communication for reply a specified abover, the maximum statutory period will apply and vall expire 30X (b) MoNTHS from the maining date of this communication.  If NO period for reply a specified abover, the maximum statutory specified will apply and vall expire 30X (b) MoNTHS from the maining date of this communication, overnit firmly filed, may reclaus any symmetry provided by the Office and the status from their maining date of this communication, overnit firmly filed, may reclaus any symmetry provided in accordance with the practice under Exp partie Quayle, 1935 C.D. 11, 453 O.G. 213.  Status  1) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exp partie Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Clairms  4) Clairin(s) is/are pending in the application.  4) Clairin(s) is/are objected to.  3) Clairin(s) is/are objected to.  3) Clairin(s) is/are objected to by the Examiner.  4)	The MAN NO DATE of the						
THE MAILING DATE OF THIS COMMUNICATION.  Edetedors of time may be available under the provision of 30 FFR 1-136(e). In no event, however, may a reply be limely flied after SN (6) MONITS from the mailing date of this communication. The SN (6) MONITS from the mailing date of this communication and the SN (6) MONITS from the mailing date of this communication. In No provided the provided provided above, the maintenance and the sound of the sound		ears on the cover sneet with the c	orrespondence address				
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-9 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s) 1-9 is/are rejected.  7)  Claim(s)  is/are objected to.  8)  Claim(s) 1-9 is/are rejected.  7)  Claim(s)  is/are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on 26 July 2002 is/are: a) coepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>						
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Application/Control Number: 10/064,570

Art Unit: 2634

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and

requirements of this title.

Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention recite "a

signal space" which is considered as non-functional descriptive material, i.e., mere data. "A

signal space" per se doe not define any structural and functional interrelationships that permit

any functionality to be realized. The allowance of such a claim would exalt form over substance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on

sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Laurent.

Laurent discloses a method for multi-dimensional modulation of binary signals

comprising the following claimed subject matters: "a symmetrical spherical quadrature

amplitude modulation constellation in a multi-dimensional complex plane, the constellation

bounded by a surface comprising all symbol points at a predetermined distance from a center

point, coincident with an intersection of at least two axes, and corresponding in relative position

to the symbol points on opposite sides of the axes" (Fig. 1, page 8, lines 1-5).

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# Page 3

#### Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Primich discloses a tetrahedon modem for phase modulating input serial binary data based on a four-dimensional vector set.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Amanda Le** whose telephone number is (703) 305-4769.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Stephen Chin**, can be reached at (703) 305-4714.

## Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to:

### (703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

AMANDAT. LE PRIMARY EXAMINER